

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

DECEMBER 16, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING & SPECIAL MEETING – 6:00 P.M.***

CLOSED SESSION

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McCoy, King, Rose
Councilmembers absent:	None
Mayor present	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

CLOSED SESSION

COUNCILMEMBER KING announced he would not participate in the discussion of the Closed Session items relating to Palm Ave. as he has a business interest of over \$500 involving the neighbor across the street.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: Unimproved site of 1.15 acres with a paved Class I bike path,
Imperial Beach, CA 91932, APN 616-021-10

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: San Diego County Regional Airport Authority

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

Property: 735 Palm Ave., Imperial Beach, CA 91932, APN 626-250-03

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Sudberry Properties, Inc.
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 743-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Sudberry Properties, Inc.
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 775 Palm Ave., Imperial Beach, CA 91932, APN: 626-250-05
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Priced Rite Pets c/o Robert Lokey
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, gave direction and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	McCoy, King, Rose
Mayor present:	Janney
Mayor Pro Tem present:	Bragg

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

COUNCILMEMBER MCCOY requested presentations on climate change and sea level rise on a future agenda and she spoke of the need to have a plan in place to address sea level rise.

COUNCILMEMBER KING announced MTS would hold public hearings on potential service reductions due to budget constraints.

COUNCILMEMBER ROSE thanked the Chamber of Commerce for a nice Holiday Mixer on Friday.

MAYOR PRO TEM BRAGG reported on the Shoreline Preservation Working Group meeting; the group sent a letter to the California Department of Fish and Game restating their position on the MLPA to ensure that beach communities can continue with sand nourishment projects.

COMMUNICATIONS FROM CITY STAFF

COMMUNITY DEVELOPMENT DIRECTOR WADE introduced Rafael Adame, the City's new Building Official.

PUBLIC COMMENT

Written correspondence regarding an off-leash dog park from PAULA BANKS was submitted as Last Minute Agenda Information.

PAULA BANKS spoke in support of off-leash dog parks in Imperial Beach; she stated that the Navy would be willing to consider opening a fenced off area for use as a dog park if the City is willing to accept responsibility for maintenance and liability; other locations she suggested were the Skate Park, Veterans Park, and on the beach by Carnation Ave. (she submitted additional information for the record).

DON BANKS spoke in support of an off-leash dog park in Imperial Beach.

PRESENTATIONS (1.1)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY presented the Recycle All-Star Award Certificate and other premiums to Chris Medina.

MARCO TOPETE, of EDCO Disposal Corporation, presented the \$100.00 check to Mr. Medina.

MAYOR JANNEY recognized EDCO for partnering with the City and promoting recycling in the community.

CONSENT CALENDAR (2.1 - 2.6)

MAYOR PRO TEM BRAGG announced she had a potential conflict of interest on Item No. 2.6 due to the location of her place of employment.

MOTION BY ROSE, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.6, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, ROSE, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	BRAGG (DUE TO A POTENTIAL CONFLICT OF INTEREST)

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of December 2, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 69991 through 70052 with the total amount of \$107,229.16.

2.3 RESOLUTION NO. 2009-6833 – REVISING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF IMPERIAL BEACH AND BDS ENGINEERING, INC. FOR CITY ENGINEERING SERVICES. (0700-05)

Adopted resolution.

2.4 REGIONAL NON-POTABLE RECYCLED WATER DEMAND STUDY. (0230-70)

Confirmed staff's response to the City of San Diego regarding the City's future plan for the future use of regional non-potable recycled water.

2.5 RESOLUTION NO. 2009-6832 – APPROVING THE FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES BY WESTON SOLUTIONS, INC. FOR TIJUANA RIVER WATER QUALITY STUDY. (0230-70)

Adopted resolution.

2.6 RESOLUTION NO. R-09-202 – APPROVING STREET IMPROVEMENTS, RDA PHASE 3 (CIP S04-108) CHANGE ORDER NO. 7 WITH NASLAND ENGINEERING AND RESCINDING RESOLUTION NO. R-09-200. (0720-25)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2009-1095 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADDING CHAPTER 16.12 (WATER EFFICIENT LANDSCAPE REGULATIONS) TO THE IMPERIAL BEACH MUNICIPAL CODE. (0940-95)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH clarified for the record that all applicants for a new single family residence are subject to the new regulations requiring the maximum applied water use authorization and best landscape design practices.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1095.

CITY CLERK HALD read the title of Ordinance No. 2009-1095, "An Ordinance of the City Council of the City of Imperial Beach, California Adding Chapter 16.12 (Water Efficient Landscape Regulations) to the Imperial Beach Municipal Code."

In response to questions regarding the Landscape Design Manual, CITY ATTORNEY LOUGH stated that most cities adopt the County's manual.

MOTION BY BRAGG, SECOND BY MCCOY, TO DISPENSE WITH THE SECOND READING AND ADOPT ORDINANCE NO. 2009-1095 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.9)

6.1 RESOLUTION NO. R-09-201 – SPORTS PARK SKATE PARK CIP (P07-101) BUDGET AMENDMENT ACCEPTING THE COMMUNITY DONATIONS, THE NON-PROFIT GRANTS AND ADDING \$200,000 RDA TAX INCREMENT (NON-HOUSING) TO THE PROJECT. (0920-40)

Correspondence in support of the item from Dee McLean was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a status update on the project and reviewed the proposed schedule.

HEIDI QUIROZ, on behalf of IB 4 a Skatepark, spoke in support of the project.

MICHAEL CAREY expressed appreciation for staff's and City Council's efforts on the item.

CITY COUNCIL spoke about the dedicated efforts of the community and staff; Supervisor Cox was recognized for contributing \$100,000 towards the project.

MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. R-09-201 – AMENDING THE SPORTS PARK SKATE PARK CIP (P07-101) BUDGET BY ACCEPTING THE COMMUNITY DONATIONS AND THE NON-PROFIT GRANTS AND BY ADDING \$200,000 RDA TAX INCREMENT (NON-HOUSING) TO THE PROJECT. MOTION CARRIED UNANIMOUSLY.

6.2 MTS SERVICES CHANGES. (0680-85)

CITY MANAGER BROWN introduced and gave background on the item.

MICHAEL DANNEY, of MTS, gave a PowerPoint presentation on the item; he reviewed the funding shortfall and the resulting cuts which would not impact weekday ridership; and he reported routes 933 and 934 would essentially remain the same.

Item No. 6.9 will be discussed at 7:00 p.m. – TIME SPECIFIC

6.9 COMMERCIAL ZONING REVIEW. (0610-95)

CITY MANAGER BROWN introduced the item.

STEVE FUTTERMAN stated that with recent advances in technology and architecture, density and height can be accomplished without sacrificing quality of life; he spoke of the need to attract young and educated people to Imperial Beach; he suggested that an economy be built around a private university, research facility or unique attraction; he suggested the following: addressing future transportation needs, innovative partnerships with universities, and giving staff the opportunity to gain the skills needed to tackle future development issues, and avoid the use of consultants.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item.

CHRISTINE BABLA, of EDAW AECOM, gave a PowerPoint presentation on potential development under the existing zoning compared to development under proposed zoning amendments, maximum density standards, building envelope standards (Floor Area Ratio (FAR), setbacks and stepbacks), performance-based incentives; and she responded to questions and concerns of City Council.

BRIAN JONES expressed concern about additional residential density; he spoke about the negative effects the adult education building (that has a FAR of 2.0) has on neighboring properties; he claimed that the businesses at the Imperial Beach Club, a mixed-use project with 48 residential units, are struggling and not viable; he also stated the density was not appropriate for the community and residents on Donax Ave. from Seacoast Dr. to 4th St. gave up their view and ocean breeze for the project.

Consensus of City Council to bring back this item on January 20, 2010 for City Council's recommendations.

MAYOR JANNEY called a recess at 8:29 p.m. and reconvened the meeting to Open Session at 8:34 p.m.

6.3 FIRST STATUS REPORT ON INTERIM ORDINANCE NO. 2009-1091 ENACTING AN URGENCY MEASURE PROHIBITING COOPERATIVE, COLLECTIVE, OR OTHER FORMS OF MARIJUANA DISPENSARIES DURING A SPECIAL STUDY PERIOD OF ONE YEAR. (0610-95)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH gave a status report on the item; he noted that the current Interim Moratorium expires on August 19, 2010 and can be extended up to one additional year; unless directed otherwise.

MARCUS BOYD submitted a rebuttal to the staff report, an outline of four appellate court cases not mentioned in the staff report and a proposed ordinance; he noted that he is not interested in being a primary caregiver but having a collective or cooperative; he expressed concern about a community meeting that he believed to be an anti-marijuana rally; he requested that City Attorney Lough stop adding emphasis of objecting the law; he expressed interest in having a

debate on marijuana law with City Attorney Lough; and he asked legal counsel to offer specific legal issues with his proposed ordinance.

In response to Mr. Boyd, MAYOR JANNEY noted that the City Council will do what they feel is best for the community within legal guidelines; and he appreciated the City Attorney's update.

CITY ATTORNEY LOUGH stated that the City of San Diego issued an interim report and will provide Council a summary of the report after his review; he is investigating all possible options until he receives direction from Council.

City Council expressed their support of the course of action taken; discussion ensued regarding the importance of taking a responsible approach by awaiting court decisions on pending cases, and reviewing all available options.

6.4 RESOLUTION NO. 2009-6834 – AUTHORIZING THE PURCHASE OF REPLACEMENT GRAFFITI ABATEMENT VEHICLE (VEHICLE NO. 652). (1130-05)

A revised staff report and resolution to reflect Vehicle No. 625 were submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

MOTION BY ROSE, SECOND BY MCCOY, TO ADOPT REVISED RESOLUTION NO. 2009-6834 – AUTHORIZING THE PURCHASE OF REPLACEMENT GRAFFITI ABATEMENT VEHICLE (VEHICLE NUMBER 625). MOTION CARRIED UNANIMOUSLY.

6.5 REPORT TO CITY COUNCIL ADVISING CHANGES IN SHERIFF STAFFING LEVELS. (0260-10)

CITY MANAGER BROWN reported on the item.

MOTION BY KING, SECOND BY BRAGG, TO NOT FILL THE SPECIAL PURPOSE OFFICER (SPO) VACANCY AND DELETE THE SPO FROM THE CURRENT STAFFING LEVELS AND THE SUCCEEDING FISCAL YEAR BUDGETS. MOTION CARRIED UNANIMOUSLY.

6.6 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS. (0410-50)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH stated due to regulations of the FPPC, Councilmembers appointed to positions that receive stipends are to disqualify themselves from the vote for that particular position.

MAYOR JANNEY nominated the following for City Council representation assignments:

SOUTH BAY MAYORS AND CITY MANAGERS COMMITTEE:

Primary - Mayor Janney

1st Alternate – Councilmember Bragg

SD DIVISION, LEAGUE OF CALIFORNIA CITIES:

Primary – Councilmember Bragg
1st Alternate – Mayor Janney

SD DIVISION, LEAGUE OF CALIFORNIA CITIES – LEGISLATIVE SUBCOMMITTEE:

Primary – Councilmember Bragg
1st Alternate – Mayor Janney

LEAGUE OF CALIFORNIA CITIES – COASTAL CITIES INTEREST GROUP:

Primary – Mayor Janney
1st Alternate – Councilmember McCoy

METROPOLITAN TRANSIT SYSTEMS BOARD:

Primary – Mayor Janney
1st Alternate – Councilmember Bragg

SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) BOARD:

Primary – Mayor Janney
1st Alternate – Councilmember McCoy
2nd Alternate – Mayor Pro Tem King

SANDAG – SHORELINE PRESERVATION WORKING GROUP:

Primary – Mayor Janney
1st Alternate – Councilmember Bragg

CHAMBER OF COMMERCE LIAISON:

Primary – Mayor Pro Tem King
1st Alternate – Councilmember Rose

METRO WASTEWATER COMMISSION/JPA:

Primary – Councilmember McCoy
Alternate – Mayor Janney

BAYSHORE BIKEWAY WORKING GROUP:

Primary – Mayor Pro Tem King
Alternate – Mayor Janney

JOB CORPS LIAISON:

Primary – Councilmember Bragg
Alternate – Mayor Janney

SOUTH COUNTY ECONOMIC DEVELOPMENT COUNCIL:

Primary – Councilmember King
1st Alternate – Councilmember Rose

HEARTLAND COMMUNICATIONS FACILITY AUTHORITY JPA BOARD:

Primary – Councilmember Bragg
1st Alternate – Mayor Janney

MILITARY AFFAIRS SUBCOMMITTEE:

Mayor Janney
Councilmember McCoy

MOTION BY KING, SECOND BY MCCOY, TO APPROVE MAYOR JANNEY'S APPOINTMENTS AND CHANGES TO THE CITY COUNCIL REPRESENTATION ASSIGNMENTS. MOTION CARRIED UNANIMOUSLY EXCEPT FOR THE FOLLOWING REPRESENTATION ASSIGNMENTS:

FOR PRIMARY REPRESENTATION ON THE METROPOLITAN TRANSIT SYSTEMS BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, ROSE, BRAGG
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	JANNEY

FOR 1ST ALTERNATE REPRESENTATION ON THE METROPOLITAN TRANSIT SYSTEMS BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, ROSE, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	BRAGG

FOR PRIMARY REPRESENTATION ON THE SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG) BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, ROSE, BRAGG
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	JANNEY

FOR 1ST ALTERNATE REPRESENTATION ON THE SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG) BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	KING, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	MCCOY

FOR 2ND ALTERNATE REPRESENTATION ON THE SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG) BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	KING

FOR PRIMARY REPRESENTATION ON THE METRO WASTEWATER COMMISSION/JPA, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	KING, ROSE, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	MCCOY

FOR ALTERNATE REPRESENTATION ON THE METRO WASTEWATER COMMISSION/JPA, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, ROSE, BRAGG
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	JANNEY

FOR PRIMARY REPRESENTATION ON THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY/JPA BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, ROSE, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	BRAGG

FOR 1ST ALTERNATE REPRESENTATION ON THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY/JPA BOARD, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, ROSE, BRAGG
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	JANNEY

6.7 ROTATION OF MAYOR PRO TEMPORE DUTIES. (0410-13)

CITY MANAGER BROWN reported the item.

MOTION BY JANNEY, SECOND BY ROSE, TO APPOINT COUNCILMEMBER KING AS MAYOR PRO TEMPORE FOR A ONE-YEAR PERIOD PURSUANT TO ROTATIONAL REQUIREMENTS AND BE SEATED AT THE FIRST MEETING IN JANUARY PURSUANT TO REQUIREMENTS AS STATED UNDER COUNCIL POLICY NO. 112. MOTION CARRIED UNANIMOUSLY.

6.8 2010 CITY COUNCIL CALENDAR MEETING AND WORKSHOP CALENDAR. (0410-05)

CITY MANAGER BROWN reported on the item.

MOTION BY MCCOY, SECOND BY KING, TO APPROVE THE 2010 CITY COUNCIL CALENDAR WHICH INCLUDES CITY COUNCIL QUARTERLY WORKSHOPS ON JANUARY 12, APRIL 13, JULY 13, AND OCTOBER 12, 2010. STAFF FURTHER RECOMMENDS RESCHEDULING OF THE MAY 5, 2010 CITY COUNCIL MEETING TO MAY 4, 2010 AND THE SEPTEMBER 15, 2010 CITY COUNCIL MEETING TO SEPTEMBER 22, 2010, AND CANCELING THE JANUARY 5, 2011 CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 9:11 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk